



Crl.OP.No.10401 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10401 of 2025

Mohammed Azarudin

.. Petitioner / Accused No.6

Vs.

The State rep by
The Inspector of Police,
Race Course Police Station,
Coimbatore City.
(Crime No.600 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.600 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : M/s.M.Subash

For Respondent : Ms.J.R.Archana
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.01.2025, seeking bail



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in Crime No.600 of 2024 registered for the offence under Sections 8(c) r/w
20(b)(ii)(C) of NDPS Act, 1985.

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2. The case of the prosecution is that the first and second accused were arrested and they were in possession of 750 grams of Ganja; that on their confession, the third accused was arrested and he was in possession of 20.200 kilograms of Ganja, that on confession of the third accused, the petitioner was implicated and he was in possession of 240 grams of Ganja.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is sought to be implicated on the confession of the co-accused; that the contraband seized from the petitioner is of small quantity and that in any case, further custody of the petitioner is not required and prayed that the petitioner may be released on bail.

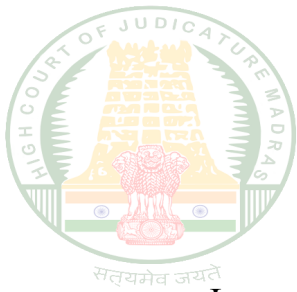
4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that there are two previous cases pending against the petitioner under IPC and he is on bail in those cases.



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5. It is seen that initially the first and second accused were arrested for possession of 750 grams of Ganja; that on their confession, the third accused was arrested for the possession of 20.200 kilograms of Ganja, which is commercial quantity and subsequently, the case was altered to Section 20(b)(ii)(C) of NDPS Act. The petitioner was implicated on the confession of A3 and that the petitioner was found in possession of 240 grams of Ganja. Hence, this Court is of the view that the petitioner cannot be attributed with joint possession of commercial quantity and the rigors of Section 37 of the NDPS Act would not be applicable. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Coimbatore**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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Index : Yes / No

Internet : Yes / No

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To

- 1.The Inspector of Police,
Race Course Police Station,
Coimbatore City.
- 2.The learned Judicial Magistrate No.III,
Coimbatore
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.
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